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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,367	04/29/2005	Jan-Erik Sjolander	Q86786	5024
23373	7590	05/18/2007		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER LE, MARK T	
			ART UNIT	PAPER NUMBER
			3617	
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			05/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/528,367	SJOLANDER, JAN-ERIK	
	Examiner	Art Unit	
	Mark T. Le	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

### DETAILED ACTION

1. In the specification, pages 1-3, all references to the instant claims should be deleted because the specification does not need to rely on the claims for its completeness, and the subject matters recited in the claims may change during the course of prosecution.

2. In claim 1, it is noted that the expression "a vertical axle" is recited in lines 3-4 and again recited in line 5. It is noted that these vertical axles are not the same one, but rather two different axles. Therefore, they should be identified differently so as to avoid confusion.

In claim 3, line 2, Applicant is suggested to avoid using the expression "preferably such" in the claim because such expression does not positively define a limitation in the claim.

3. Claims 3, 6 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 2, it is not clear as to whether the expression "at least one rail-wheel unit" referred to one of the two rail wheel units that are defined in claim 1 or to another rail wheel unit.

In claim 3, line 3, it is not clear as to which rail wheel of the present invention is the claimed "a further rail wheel".

In claim 3, line 4, "the rails" and "the railroad track" lack antecedent basis.

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In claim 6, "the front rail-wheel unit" and "the railroad track" lack antecedent basis.

In claim 7, "the rear rail-wheel unit" and "said railroad track" lack antecedent basis.

In claim 9, the instant claimed method steps are not clearly defined.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3 and 5-7 (3 as best can be treated) are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne (4,202,277) in view of Ehrlich (US 5,832,836).

Browne discloses a semi-trailer similar to that recited in the instant claims, including road wheel unit 24, coupling part 14, and vertically movable rail wheel unit 30. It is noted that the front support of the semi-trailer of Browne is an extendable landing gear 22, which is not a second rail wheel unit as claimed.

Ehrlich discloses a similar structure that has a front support in the form of second rail wheel unit 44.

In view of Ehrlich, it would have been obvious to one skilled in the art to substitute a rail wheel unit, similar to that of Ehrlich, for the landing gear of Browne so as to provide more flexible operations.

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Regarding the instant claimed outwardly pivotal support element, as recited in instant claim 3, consider Figure 3 of Browne; wherein, the pivotal movement of the rail wheel unit is facilitated by means of pivotal element 94,96 that includes axle 32 and rail wheel 34.

Regarding claim 6, consider Figure 1A of Ehrlich.

Regarding claim 7, it is noted that the rear rail-wheel unit of Browne is certainly capable of being fixed as claimed.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Storm (US 4,048,925).

It is noted that the rail wheel unit of Browne is not motorized.

Storm discloses a rail wheel unit including a drive motor, as shown in Figure 6 of Storm.

In view of Storm, it would have been obvious to one skilled in the art to modify the rear rail wheel unit of Browne to include a drive motor, similar to that taught by Storm, so as to facilitate movements of the structure on the railroad track without requiring the assistance of another tractor unit.

7. Claims 2 and 8-10 (9 as best can be treated) are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Storm (US 4,048,925).

It is noted that the rear rail wheel unit of Browne does not have a pivotal flexibility similar to that of rear rail wheel unit 7 of Storm; therefore, it would have been obvious to one skilled in the art to substitute a rear rail wheel unit, similar to that taught by Storm,

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for that of Brown so as to enhance its operational flexibilities, such as to allow it to be driven onto a railroad track in a manner similar to that taught by Storm.

Regarding the instant claimed two rail-wheel axles, as recited in instant claim 2, note that the structure of Browne, as modified, includes a railroad bogie with two rail-wheel axles.

Regarding the instant claimed method of driving a convertible road vehicle onto a railroad track, as recited in instant claim 8, consider the method of driving a convertible road vehicle onto a railroad track as shown in Figure 1-3 of Storm, and it would have been obvious to one skilled in the art to drive the structure of Browne, as modified, onto a railroad track in a manner similar to that taught by Storm.

Regarding the instant claimed step disengaging the semi-trailer from the tractor unit, it is noted that since the rear part of the vehicle of Storm is not designed to be separable from the front tractor unit, there is no step of disengaging a semi-trailer taught in Storm. However, since the semi-trailer of Browne is designed to be separable from its associated tractor, it would have been obvious to one skilled in the art to disengage the semi-trailer of Browne from its associated tractor once the semi-trailer is successfully driven onto the railroad track so as to allow the semi-trailer to be hooked onto other semi-trailers as shown in Figure 2 of Brown.

Regarding the instant claimed coupling to a drive vehicle, as recited in instant claim 9, it is noted that Browne semi-trailers are not motorized; therefore, they inherently would have to be connected to a railroad drive vehicle for driving them along a railroad track.

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Regarding the instant claimed securing the semi-trailer by using brake shoes before disconnecting the traction vehicle, as recited in instant claim 9, consider the brake shown in Figure 4A of Browne, which is provided for braking as needed.

Therefore, it certainly would have been obvious to one skilled in the art to apply brake on the semi-trailer so as to prevent desired movements of the semi-trailer as such times when there is no other means to securing the semi-trailer in place.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri, between 9AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Mark T. Le  
Primary Examiner  
Art Unit 3617

mle  
5/11/07